

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19CV245-GCM

SHANE REID,

Plaintiff,

Vs.

ANDREW SAUL, Commissioner
of Social Security,

Defendant.

ORDER

This matter is before the Court upon its own motion. Plaintiff has filed a Motion for Judgment on the Pleadings in which he raises an Appointments Clause claim, citing *Lucia v. SEC*, 138 S. Ct. 2044 (2018). The Defendant has filed a Motion for Summary Judgment arguing that Plaintiff's Appointments Clause claim is untimely because he never raised it during the administrative process. Plaintiff contends that he did in fact raise the issue in his request for review before the Appeals Council, citing the administrative record at Tr. 4 and Tr. 181-82. However, a review of the record at the pages Plaintiff cites fails to disclose any specific mention of his Appointments Clause claim. Accordingly, the Plaintiff is directed to supplement his brief within 7 days of this Order, citing and *specifically quoting* the administrative record where he contends he raised the Appointments Clause claim before the Appeals Council.

IT IS SO ORDERED.

Signed: April 7, 2020



Graham C. Mullen
United States District Judge

